

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
4 State Bar No. 154990
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-362**

12 **SHANNON LEE KAWAHATA, a.k.a.**
13 **SHANNON LEE STRINGER**
14 **32 8th Street**
Clovis, California 93612
Registered Nurse License No. 644556

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about September 9, 2004, the Board issued Registered Nurse License Number
24 644556 to Shannon Lee Kawahata, also known as Shannon Lee Stringer ("Respondent"). The
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2010, unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. DRUG

"Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2).

BACKGROUND

9. On January 21, 2009, Respondent was arrested after Fresno Police Officers discovered Methamphetamine and other unknown pills, a clear smoking pipe, a silver scale for measuring that had white residue on it, and several empty baggies nearby, during their investigation of Respondent for passing a \$1,116.80 bad check at a local Food Max Grocery Store. Respondent admitted to police that she bought three "Ecstasy" pills and used Methamphetamine for personal use. Respondent stated that she "smoked meth yesterday" and that she uses the drug several times a week.

10. On April 30, 2009, Respondent was arrested after Fresno Police Officers discovered what they believed to be Methamphetamine and eight to ten pills believed to be "Ecstasy" on her person. Police officers then discovered another baggie believed to be Methamphetamine, a digital scale, Marijuana, three Methamphetamine pipes, and approximately 50 to 75 small plastic baggies in Respondent's automobile. Respondent admitted to the officers that she had a drug problem with illegal narcotics.

11. On August 3, 2009, Respondent was stopped by a Fresno Police Officer investigating a traffic accident. Respondent was subsequently arrested for possession of Methamphetamine and a glass smoking pipe. Respondent stated to the officer that she used Methamphetamine approximately one week earlier and that she had skipped her scheduled drug test so as not to test positive for the drug.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that on June 19, 2009, in the Superior Court, Central Division, County of Fresno, California, in the matter entitled *People vs. Shannon Kawahata*, (2009), Case No. F09901836, Respondent was convicted by the court following her pleas of guilty to a violation of Health and Safety Code section 11377, subdivision (a) (possession of a controlled substance), a felony, and nolo contendere to a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs), a misdemeanor. The circumstances of the crime are that on or about March 12, 2009, Respondent was arrested following a traffic stop. Such conduct is substantially related to the qualifications, functions, and duties of a registered nurse.

SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance in Violation of Law; Self-Administration)

13. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that Respondent committed acts as follows:

a. On or about January 21, 2009, March 12, 2009, April 30, 2009, and August 3, 2009, Respondent possessed the controlled substance Methamphetamine in violation of Code section 4060, as more particularly set forth in paragraphs 9, 10, 11, and 12, above.

b. On or about January 21, 2009, March 12, 2009, April 30, 2009, and August 3, 2009, Respondent self-administered the controlled substance Methamphetamine.

THIRD CAUSE FOR DISCIPLINE

**(Use a Controlled Substance to an Extent or in a Manner Dangerous
or Injurious to Herself or Others)**

14. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about January 21, 2009, March 12, 2009, April 30, 2009, and

1 August 3, 2009, Respondent used alcohol and/or drugs to an extent or in a manner dangerous or
2 injurious to herself or others, as more particularly set forth in paragraphs 9, 10, 11, and 12, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction Involving a Controlled Substance)**

5 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
6 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
7 subdivision (c), in that Respondent has been convicted of crimes involving alcohol and/or the
8 controlled substance Methamphetamine, as more particularly set forth in paragraph 12, above.

9 **PRAYER**


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 644556, issued to
13 Shannon Lee Kawahata, also known as Shannon Lee Stringer;

14 2. Ordering Shannon Lee Kawahata, also known as Shannon Lee Stringer to pay the
15 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
16 case, pursuant to Business and Professions Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 2/2/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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